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Attorneys for Plaintiff
Victor Hugo Perez Luna

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

| | | |
|-------------------------------|---|-------------------------------|
| VICTOR HUGO PEREZ LUNA, |) | Case No.: 2:21-cv-01376-BNW |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED |
| |) | ORDER FOR THE AWARD AND |
| vs. |) | PAYMENT OF ATTORNEY FEES |
| |) | AND EXPENSES PURSUANT TO |
| KILOLO KIJAKAZI, |) | THE EQUAL ACCESS TO JUSTICE |
| Acting Commissioner of Social |) | ACT, 28 U.S.C. § 2412(d) AND |
| Security, |) | COSTS PURSUANT TO 28 U.S.C. § |
| |) | 1920 |
| Defendant. |) | |

TO THE HONORABLE BRENDA WEKSLER, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Victor Hugo Perez
Luna be awarded attorney fees and expenses in the amount of THREE

1 THOUSAND FIVE HUNDRED TWELVE dollars AND NINETY-THREE cents
2 (\$3,512.93) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),
3 and costs in the amount of FOUR HUNDRED TWO dollars (\$402.00) under 28
4 U.S.C. § 1920. This amount represents compensation for all legal services
5 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
6 accordance with 28 U.S.C. §§ 1920; 2412(d).

7 After the Court issues an order for EAJA fees to Victor Hugo Perez Luna,
8 the government will consider the matter of Victor Hugo Perez Luna's assignment
9 of EAJA fees to Marc Kalagian. The retainer agreement containing the assignment
10 is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
11 the ability to honor the assignment will depend on whether the fees are subject to
12 any offset allowed under the United States Department of the Treasury's Offset
13 Program. After the order for EAJA fees is entered, the government will determine
14 whether they are subject to any offset.

15 Fees shall be made payable to Victor Hugo Perez Luna, but if the Department of
16 the Treasury determines that Victor Hugo Perez Luna does not owe a federal debt,
17 then the government shall cause the payment of fees, expenses and costs to be
18 made directly to Law Offices of Lawrence D. Rohlffing, Inc., CPC, pursuant to the
19 assignment executed by Victor Hugo Perez Luna.¹ Any payments made shall be
20 delivered to Marc Kalagian.

21 This stipulation constitutes a compromise settlement of Victor Hugo Perez
22 Luna's request for EAJA attorney fees, and does not constitute an admission of
23 liability on the part of Defendant under the EAJA or otherwise. Payment of the
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 agreed amount shall constitute a complete release from, and bar to, any and all
2 claims that Victor Hugo Perez Luna and/or Marc Kalagian including Law Offices
3 of Lawrence D. Rohlring, Inc., CPC may have relating to EAJA attorney fees in
4 connection with this action.

5 This award is without prejudice to the rights of Marc Kalagian and/or the
6 Law Offices of Lawrence D. Rohlring, Inc., CPC to seek Social Security Act
7 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
8 the EAJA.

9 DATE: October 21, 2022 Respectfully submitted,

10 LAW OFFICES OF LAWRENCE D. ROHLRING, INC., CPC

11 */s/ Marc V. Kalagian*

12 BY: _____
13 Marc V. Kalagian
14 Attorney for plaintiff
VICTOR HUGO PEREZ LUNA

15 DATED: October 21, 2022 JASON M. FRIERSON
16 United States Attorney

17 */s/ Daniel P. Talbert*

18 _____
19 DANIEL P. TALBERT
20 Special Assistant United States Attorney
Attorneys for Defendant
KILOLO KIJAKAZI, Acting Commissioner of
Social Security (Per e-mail authorization)

21
22 **ORDER**

23 Approved and so ordered:

24 DATE: October 26, 2022

25 
26 THE HONORABLE BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of October 25, 2022, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Mr. Victor Hugo Perez Luna
1657 Christy Lane
Las Vegas, NV 89142

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Marc V. Kalagian
TYPE OR PRINT NAME

/s/ Marc V. Kalagian
SIGNATURE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 2:21-CV-01376-BNW**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on October 25, 2022.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Marc V. Kalagian

Marc V. Kalagian
Attorneys for Plaintiff